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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,325	09/18/2003	Juan Carlos Coronado	02894-595001 / 06735-PT10	8375
26161 7590 11/23/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER JACYNA, J CASIMER	
			ART UNIT	PAPER NUMBER
			3754	
			MAIL DATE	DELIVERY MODE
			11/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,325

Applicant(s)

CORONADO ET AL.

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 and 43-72 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 9-18, 21, 22, 27-33, 40 and 52-68 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-26, 34-39, 41 and 43-51 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-8, 19, 20 and 69-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 6, 7, 19, 20 and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Girolamo (4,357,861) in view of Lowe (7,036,687) and Crisp, III et al. (6,766,656). Di discloses a beverage mixer including a mixing chamber 8, an upper feed opening 7, an extract container 4 and a metering device 6 substantially as claimed but does not disclose an overall housing with a fill opening over the feed opening. However, Lowe and Crisp teach other beverage mixers and teach that it is generally well known in the art for beverage mixers to have overall housings as are 10 in Lowe and 12 in Crisp for the purpose of protecting the components of the beverage mixers from damage and contamination wherein the housings include fill openings as are 64 in Lowe and 94 in Crisp that allow access to the entrance of the feed opening to the mixing chambers 61 in Lowe and 34 in Crisp as claimed for the purpose of allowing a user to better and more easily clean and add cleaning or rinsing fluids to the feed openings and mixing chambers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the beverage mixer of Di with a housing having a feed opening as, for example, taught by Lowe and Crisp in order to protect the components of the beverage mixer from damage and contamination and to allow a user to better and more easily clean and add cleaning or rinsing fluids to the feed openings and mixing chambers.
3. Claims 1, 2, 6-8, 19, 20 and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Girolamo (4,357,861) in view of Lowe (7,036,687). Di discloses a

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beverage mixer including a mixing chamber 8, an upper feed opening 7, an extract container 4 and a metering device 6 substantially as claimed but does not disclose an overall housing with a fill opening over the feed opening. However, Lowe teaches another beverage mixer having an overall housing 10 for the purpose of protecting the components of the beverage mixers from damage and contamination wherein the housing includes a fill opening 64 that allows access to the entrance of the feed opening to the mixing chambers 61 as claimed for the purpose of allowing a user to better and more easily clean and add cleaning or rinsing fluids to the feed openings and mixing chambers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the beverage mixer of Di with a housing having a feed opening as, for example, taught by Lowe in order to protect the components of the beverage mixer from damage and contamination and to allow a user to better and more easily clean and add cleaning or rinsing fluids to the feed openings and mixing chambers.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

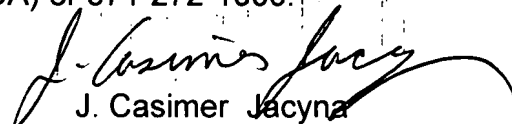
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



J. Casimer Jacyna
Primary Examiner
Art Unit 3754

CJ